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Chairman: Mr. Hachani (Tunisia)

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The meeting was called to order at 3.25 p.m.

Agenda item 104: Implementation of the outcome of the Fourth World Conference on Women (continued)
(A/C.3/53/L.27)

Draft resolution A/C.3/53/L.27: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action

1. **Ms. Sandru** (Romania), introducing draft resolution A/C.3/53/L.27, pointed out that in operative paragraph 44, the word "forty-second" should be replaced by "forty-third".
2. The preamble stressed the importance of the Beijing Declaration and the Platform for Action to the advancement of women and gender equality.
3. The operative part gave particular emphasis to the need to mainstream a gender perspective at all levels and to make available sufficient human and financial resources for the advancement of women. Emphasis was also placed on the decision of the General Assembly to hold a special session in the year 2000 ("Women 2000: gender equality, development and peace for the twenty-first century") which would monitor progress achieved in the implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women as well as the Beijing Declaration and the Platform for Action. The draft resolution invited the Commission on the Status of Women to act as the preparatory committee, open to the participation of all States Members of the United Nations, members of the specialized agencies and observers. It also provided detailed guidance on measures to be taken to involve non-governmental organizations in the preparatory process, since they played a significant role in the implementation of the Platform for Action.

Agenda item 105: Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions (continued) (A/C.3/53/L.30 and L.31)

Draft resolution A/C.3/53/L.30: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

4. **The Chairman** invited the Committee to consider draft resolution A/C.3/53/L.30, which had no programme budget implications.
5. **Mrs. Cossa** (Mozambique) said that a correction should be made to the English text: in the third preambular

paragraph, the word "welcomes" should be replaced by "welcoming".

6. *Draft resolution A/C.3/53/L.30 was adopted.*

Draft resolution A/C.3/53/L.31: Assistance to unaccompanied refugee minors

7. **The Chairman** invited the Committee to consider draft resolution A/C.3/53/L.31, which had no programme budget implications. After recalling that Côte d'Ivoire, Ethiopia, Guinea-Bissau, the Islamic Republic of Iran, Niger, Nigeria and Turkey had joined the sponsors of the draft resolution when it had been introduced, he announced that Cameroon, Guinea, Liberia, Malawi, Sierra Leone and the United Republic of Tanzania, also wished to become sponsors of the draft resolution.

8. *Draft resolution A/C.3/53/L.31 was adopted.*

Agenda item 108: Elimination of racism and racial discrimination (continued) (A/C.3/53/L.18/Rev.1 and A/C.3/53/L.56)

Draft resolution A/C.3/53/L.18/Rev.1: International Convention on the Elimination of All Forms of Racial Discrimination

9. **The Chairman** invited the Committee to consider draft resolution A/C.3/53/L.18/Rev.1. After informing the Committee that the programme budget implications of the draft resolution were set out in document A/C.3/53/L.56, he recalled that Antigua and Barbuda, Côte d'Ivoire, Equatorial Guinea, Liberia, Mongolia, New Zealand, Pakistan and the Republic of Moldova had become sponsors of the draft resolution when it had been introduced.

10. **Ms. Stiglic** (Slovenia) announced that Ireland wished to become a sponsor of the draft resolution and that, in the interests of consensus, the following corrections, which were the result of in-depth discussions, should be made to the text. In paragraph 5, the words "international instruments on human rights, *inter alia*, by continuing" should be replaced by the phrase "the International Convention on the Elimination of All Forms of Racial Discrimination and takes note of its continuing efforts". In the same paragraph, the end of the sentence, "which include the process of reviewing the implementation of the Convention in States whose reports are seriously overdue" should be deleted. The sponsors hoped that the text, as revised, could be adopted without a vote.

11. **The Chairman** announced that Cameroon and Mali wished to become sponsors of the draft resolution.

12. **Mrs. Mekhemar** (Egypt) said that her delegation would join the consensus on the draft resolution. It supported the efforts of the Committee for the Elimination of Racial Discrimination to ensure the implementation of the Convention and reaffirmed that all States should cooperate to that end by establishing a fruitful dialogue. The implementation of the Convention should not, however, mean that country reports should be examined in the absence of the countries concerned; the Committee was not competent to do so, and any change in its mandate must be accepted by the meeting of States Parties.

13. **Ms. Mesdoua** (Algeria) said that her country had ratified the International Convention on the Elimination of All Forms of Racial Discrimination and had agreed to recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from groups or individuals citing violations of human rights set out in that Convention. Her delegation had always supported the efforts of the Committee to ensure the effective implementation of the Convention. However, she pointed out that the international treaty monitoring bodies should encourage dialogue and cooperation with the States Parties and should in no case adopt a counterproductive attitude which would be detrimental to the promotion and protection of human rights. Consequently, the improvement of the Committee's working methods did not mean that country reports could be considered in the absence of the countries concerned. There was no provision for that type of consideration in the Committee's mandate, and any change in its mandate would need to be approved by a meeting of the States Parties.

14. *Draft resolution A/C.3/53/L.18/Rev.1 was adopted.*

15. **Mr. Arda** (Turkey) pointed out that the International Convention on the Elimination of All Forms of Racial Discrimination did not adequately address contemporary forms of racial discrimination, racism, xenophobia and other forms of intolerance. That was why his country had not become a Party to it. However, with 3 million Turkish citizens residing abroad where they were subject to racially motivated violence, Turkey had followed the work of the Committee on the Elimination of Racial Discrimination with interest and welcomed the efforts it was making to improve its working methods, including during the presentation of periodic reports.

16. His delegation could not join the consensus on the draft resolution since paragraphs 332 and 339 of the report of the Committee could not have been drafted by experts with "acknowledged impartiality", as stipulated in article 8 of the Convention. The language adopted was used by only

one of the parties in the dispute over Cyprus. The Committee's mandate was to monitor the implementation of the Convention in a responsible and impartial manner, without taking sides.

17. **Ms. Clifford** (United States of America) said that her country had joined the consensus on the draft resolution with the hope that the programme budget implications, as set out in document A/C.3/53/L.56, would be absorbed within the General Fund or through extrabudgetary resources. Regarding reservations to international conventions, her delegation continued to favour the language used in previous years in resolutions of the Commission on Human Rights or the Vienna Declaration and Programme of Action, which allowed for reservations, provided they were not incompatible with the object and purpose of the Convention.

18. **Ms. Martinez** (Ecuador) noted that her country had been one of the first to accede to the Convention and each year her delegation had co-sponsored the draft resolution relating to that instrument. That year, however, it had had doubts about joining the consensus for two reasons. First, for three years the Committee had been saying that there should be an easier way for countries having no permanent mission at Geneva to present their periodic reports on the implementation of the Convention, perhaps by holding one session in New York. Yet, all of a sudden, it appeared that that issue was to be discussed by other bodies. Secondly, the High Commissioner for Human Rights had recently stated that it was important to organize a world conference to combat racism and had requested States to provide the human and financial resources necessary for such a conference. Now delegations were being told that there were not enough resources for the preparation of such a conference.

19. Her delegation therefore hoped that a solution acceptable to all parties would be found by the year 2000.

20. **The Chairman** announced that the Committee had concluded discussion of agenda item 108.

Agenda item 109: Right of peoples to self-determination (continued) (A/C.3/53/L.26)

Draft resolution A/C.3/53/L.26: The right of the Palestinian people to self-determination

21. **The Chairman**, after informing the Committee that the draft resolution had no programme budget implications, recalled that Liechtenstein, Suriname and the United Republic of Tanzania had joined the sponsors.

22. **Ms. Mekhemar** (Egypt) announced that Burkina Faso, Guinea-Bissau, Hungary, Malta, Mozambique and Niger were also sponsoring the draft resolution.

23. **Mr. Shapiro** (United States of America), speaking in explanation of vote before the vote, said that his delegation opposed the resolution because it injected the United Nations into the Middle East peace process, in particular the final status issue which must be the subject of direct negotiation among the parties to the conflict. The United States also opposed the draft resolution because the latter singled out one group of people for self-determination. The adoption of such a resolution, rather than reinvigorating the peace process, was likely to have the opposite effect. The United States would therefore vote against the draft resolution.

24. **Mr. Gold** (Israel) said that his delegation would vote against the draft resolution which at best, ignored and, at worst, threatened the positive developments on the ground. That did not in any way mean that Israel did not understand the desire of a people to achieve self-determination. The State of Israel — and the autonomy which the Palestinians currently enjoyed — were proof of that fact.

25. The issue in question should not be discussed in the Third Committee but rather at the negotiating table. Direct negotiations had been the key to every diplomatic breakthrough in the Middle East, from the Camp David Accords with Egypt to the peace treaty with Jordan, the Madrid Peace Conference, the Oslo Accords and the Wye River Memorandum.

26. Moreover, adoption of the draft resolution would undermine the commitments to direct negotiations made by the Israelis and the Palestinians at Oslo, Hebron and Wye.

27. Finally, the draft resolution was irrelevant, since 98 per cent of Palestinians living in the territories were under the jurisdiction of the Palestinian Authority.

28. The draft resolution spoke of the right to self-determination, "without excluding the option of a state"; it was important to distinguish between self-determination and the creation of a State. The establishment of an independent State was a security question affecting both peoples and they alone must make such a decision. Sovereignty for one must not threaten the life of the other. A lasting peace must strike a balance between Palestinian self-government and Israeli security. Using the Committee to influence the peace process threatened the right of both peoples to decide their future together.

29. *A recorded vote was taken on draft resolution A/C.3/53/L.26.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Fiji, Georgia, Kenya, Marshall Islands, Micronesia (Federated States of), Nicaragua, Uruguay.

30. The draft resolution was adopted by 146 votes to 2, with 7 abstentions.

31. **Mr. Al-Hariri** (Syrian Arab Republic) welcomed the adoption of the draft resolution, which showed the international community's desire to put an end to the suffering of the Palestinian people and to give it the freedom to decide its destiny on its own national territory. His Government supported the just struggle of the Palestinian

people and hoped that the negotiations begun at the Madrid Conference would lead to a fair and final solution based on the principle of "land for peace" and the resolutions of the Security Council.

32. Israel must take responsibility for the obstacles hindering the peace process and withdraw from the occupied Arab territories, in accordance with the agreements concluded and the commitments undertaken.

33. **Mr. Sepelev** (Russian Federation) said that his delegation had voted for the draft resolution and desired the creation of an independent Palestinian State; political negotiations, leading to the creation of such a State, were the only way to make the Palestinian people's right to self-determination a reality and safeguard Israel's legitimate security interests.

34. **Ms. Campestrini** (Austria), speaking on behalf of the European Union, welcomed the signing, on 23 October, of the Wye River Memorandum between Mr. Netanyahu and Mr. Yasser Arafat; it opened the door for the early resumption of negotiations on permanent status, in accordance with the Oslo Accords, as well as the implementation of commitments made under the Interim Agreement.

35. The European Union was one of the sponsors of the draft resolution and it called on the parties to complete negotiations on the final status as soon as possible, and to avoid any unilateral act which might prejudice the final outcome.

36. **Mr. Al-Kidwa** (Observer for Palestine) welcomed the adoption of draft resolution A/C.3/53/L.26, an important document since it was linked to the principle of self-determination and the absolute right of the Palestinian people to act on that principle, and had received broad support. The main goal of the Palestinian people was to establish their own independent State and the draft resolution was an important step towards that end. It was unfortunate that the United States had once again opposed the resolution and he hoped that its position would change in the future.

37. The real problem remained the Israeli attitude in that regard. His delegation was convinced that Israel, by opposing the right of the Palestinian people to self-determination, was violating the crux of the agreements, namely the mutual recognition by the two sides. It was impossible to recognize the existence of the Palestinians and their legitimate rights while refusing to accept their right to self-determination.

38. Israeli policies were seriously threatening the foundations of the peace process; the latter was not a vehicle

for Israel to continue the subjugation of the Palestinian people and the occupation of their territory, but was rather a vehicle for the achievement of real peace and coexistence based on equality and respect for the right to self-determination. That right did not stem from any agreement; it was a natural, inalienable right and was in accordance with the Charter of the United Nations and many other instruments; the adoption of the draft resolution had made that clear.

39. **The Chairman** announced that the Committee had concluded its discussion of agenda item 109.

Agenda item 110: Human rights questions (continued)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/C.3/53/L.32, L.35, L.36, L.37, L.40, L.41, L.42, L.44 and L.48)

Draft resolution A/C.3/53/L.32: Elimination of all forms of religious intolerance

40. **Mr. Ryan** (Ireland) introduced draft resolution A/C.3/53/L.32, and announced that Cameroon and Japan had joined the sponsors.

41. Recalling article 18 of the Universal Declaration of Human Rights and the provisions of the International Covenant on Civil and Political Rights, he pointed out that although progress had been made over the past few decades, religious intolerance continued, as the Special Rapporteur on religious intolerance had pointed out in his report (A/53/279). Members of minority religions were sometimes subjected to systematic persecution, including torture or summary execution. In many regions of the world, practice fell well short of the standards set by the international community, as demonstrated by the situation of vulnerable groups such as the Baha'i community, and the violence and massacres occurring in Afghanistan. It was intolerable that religious considerations should be advanced to justify the violation of women's rights in that country. Given the importance of his work, Governments must authorize the Special Rapporteur to make visits to the field and cooperate fully with him during such visits.

42. Non-governmental organizations played a key role in promoting tolerance and making the international community aware of intolerance and discrimination, and they, too, must also be encouraged to continue their work.

43. He hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/53/L.35: Strengthening of the rule of law

44. **Ms. Nicodemos** (Brazil) introduced draft resolution A/C.3/53/L.35, and said that Guinea-Bissau and Senegal had become sponsors of the draft resolution.

45. The draft resolution updated General Assembly resolution 52/125 and sought to provide guidance to the High Commissioner for Human Rights on how to proceed with a view to implementing the recommendations contained in paragraph 69 of section II of the Vienna Declaration and Programme of Action. The World Conference on Human Rights had recommended that the United Nations should assist States in building national structures for the promotion of human rights and the maintenance of the rule of law.

46. The draft resolution also sought to provide a coherent response to the problem of the scarcity of means at the disposal of the High Commissioner for Human Rights. Based on the report of the Secretary-General (A/53/309), the sponsors had made suggestions on how the United Nations could support the growing number of Member States requesting assistance within the framework of the programme for the strengthening of the rule of law.

47. By making the resolution biennial, the sponsors sought to contribute to the rationalization of the Committee's work; she expressed the hope that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/53/L.36: Respect for the right to universal freedom of travel and the vital importance of family reunification

48. **Ms. de Armas Garcia** (Cuba), introduced draft resolution A/C.3/53/L.36 saying that it was identical to the one adopted by the General Assembly at its fifty-second session.

49. The issue of migratory flows was at the heart of the international community's concerns since there were 130 million persons who were living in a country which was not their own. At the national and international levels, the rights of migrants must be promoted and protected, including the right to the reunification of families, since the family was the basic unit of human society.

50. The draft resolution called on States to guarantee freedom of travel to all foreign nationals legally residing in their territory, as well as the right of such individuals to send funds to their relatives in their country of origin. It also called on States to put an end to discriminatory practices aimed at groups of foreign nationals.

51. **Mr. Sepelev** (Russian Federation) pointed out that in the Russian text, the title of the draft resolution was missing; that omission must be corrected.

Draft resolution A/C.3/53/L.37: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

52. **Mr. Wille** (Norway) introduced draft resolution A/C.3/53/L.37, noting that Armenia, Colombia, Costa Rica, the Russian Federation and Uruguay had become sponsors.

53. The draft resolution had been approved without a vote by the Commission on Human Rights at its previous session. In resolution 1998/33, the Economic and Social Council had recommended that the General Assembly should adopt the draft resolution. The draft declaration was a result of the work and determination of governments and non-governmental organizations which hoped that the text would be adopted during the year marking the fiftieth anniversary of the Universal Declaration of Human Rights.

54. **Ms. Al-Hamami** (Yemen) pointed out that in the Arabic text there was some confusion between the words declaration and resolution.

55. **Ms. Simonovic** (Croatia) said that her delegation wished to add its name to the list of sponsors.

56. **The Chairman** announced that France, Iceland and the Republic of Moldova had joined the sponsors.

Draft resolution A/C.3/53/L.40: Human rights and extreme poverty

57. **Mr. Matute** (Peru) introduced draft resolution A/C.3/53/L.40, saying that Belgium, Guinea-Bissau, Italy, Japan and Portugal had become sponsors. It was recognized that extreme poverty hindered full enjoyment of human rights and that economic, social, political and cultural rights were universal and inseparable. Extreme poverty could be defined as the absence of security and it prevented the individual from exercising his fundamental rights and from assuming his responsibilities. The 1998 Human Development Report clearly indicated that in most countries of the world, extreme poverty was strikingly obvious and made human rights unobtainable for many people. The international community must therefore reaffirm its desire to reduce extreme poverty in order to allow all to enjoy their basic rights. He hoped that the draft resolution would be adopted without a vote.

58. **The Chairman** announced that Benin, Bhutan, Burkina Faso, Burundi, Cameroon, China, Cyprus, Ethiopia,

Guinea, Japan, Mali, Nepal, Pakistan, Sierra Leone and Ukraine were joining the sponsors.

Draft resolution A/C.3/53/L.41: Extrajudicial, summary or arbitrary executions

59. **Mr. Schalin** (Finland), introducing draft resolution A/C.3/53/L.41, said that Ukraine had become a sponsor. He stressed, in particular, the obligation imposed on all Governments to take steps to put an end to extrajudicial, summary or arbitrary executions, which were a violation of the most basic right of all, the right to life. His delegation hoped that the draft resolution would be adopted by consensus.

60. **The Chairman** said that Croatia, Monaco and Panama had become sponsors of the draft.

61. **Ms. Kaba Camara** (Côte d'Ivoire) said that the French text of the draft resolution had been issued without a title.

Draft resolution A/C.3/53/L.42: Regional arrangements for the promotion and protection of human rights

62. **Ms. Newell** (Secretary of the Committee) stated with regret that Belgium, the main sponsor of the draft resolution, had unfortunately been omitted from the list of sponsors.

63. **Ms. Petridis** (Belgium), introducing draft resolution A/C.3/53/L.42, said that Cameroon, the former Yugoslav Republic of Macedonia, the Philippines and Senegal had become sponsors. She expressed particular appreciation to the Group of African States and the Bureau of the Organization of African Unity for their interest in and contribution to the draft resolution. In paragraph 10 of the English version, after the words "in this context that", the following words had been omitted: "the Annual Intergovernmental Workshop for the Asian and Pacific Region". The draft resolution was aimed at ensuring the mutual strengthening of regional and global activities for the promotion and protection of human rights. The preamble recalled the philosophy underlying the formulation of regional arrangements. The operative paragraphs underscored the cooperation and assistance provided by the Office of the United Nations High Commissioner for Human Rights for the strengthening of such arrangements. The sponsors hoped that, as in previous years, the draft resolution would be adopted by consensus.

64. **The Chairman** said that Guinea-Bissau, Lesotho, Liberia, Mali, Mongolia, Morocco, Mozambique, Panama and the United Republic of Tanzania had become sponsors of the draft.

Draft resolution A/C.3/53/L.44: Strengthening of United Nations actions in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

65. **Mr. Reyes** (Cuba), introducing draft resolution A/C.3/53/L.44, said that the Niger and the Sudan had become sponsors. The text reaffirmed ideas contained in previous resolutions which the General Assembly had adopted by consensus, such as the principles of the equality of rights of all peoples and their right to self-determination. His delegation hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/53/L.48: Follow-up to the United Nations Year for Tolerance

66. **Mr. Arda** (Turkey), introducing draft resolution A/C.3/53/L.48, said that Chile, India and the former Yugoslav Republic of Macedonia had become sponsors. Referring to the information provided by UNESCO on the implementation of the Declaration of Principles on Tolerance and the Follow-up Plan of Action for the United Nations Year for Tolerance, he emphasized that UNESCO should continue as the lead agency in the promotion of tolerance and non-violence. Tolerance was the prerequisite for the creation of a shared vision of a better future. Since the birth in 1991 of the idea of a United Nations Year for Tolerance, substantial efforts had been made to replace destructive passion with constructive compassion. Much remained to be done, however, if tolerance was to become a reality throughout the world. The sponsors therefore attached great importance to the draft resolution and hoped that it would be adopted by consensus.

67. **The Chairman** said that Bolivia, Côte d'Ivoire and the Philippines had become sponsors of the draft.

Agenda item 110: Human rights questions (continued)

(e) Report of the United Nations High Commissioner for Human Rights (continued) (A/C.3/53/L.45)

Draft resolution A/C.3/53/L.45: Question of resources for the Office of the United Nations High Commissioner for Human Rights and the human rights activities of the United Nations

68. **Mr. Alfeld** (South Africa), introducing draft resolution A/C.3/53/L.45, said that the Bahamas, Denmark, Guinea-Bissau, Italy, Malawi, Portugal, Romania, Senegal, Slovenia, Sweden and Trinidad and Tobago had become sponsors. In its resolution 1998/83, the Commission on Human Rights

had expressed its concern that the resources allocated to the Office of the United Nations High Commissioner for Human Rights would not enable it to fulfil its mandates and had appealed to the Secretary-General, the Economic and Social Council and the General Assembly to take all necessary steps to secure sufficient budgetary resources for that purpose. That appeal had also been brought to the attention of all Heads of State and Government in a letter addressed to them by the Chairman of the Commission on Human Rights at its fifty-fourth session. In its decision 1998/275, the Economic and Social Council had approved the Commission's appeal.

69. His delegation hoped that the draft resolution would be adopted by consensus.

70. **The Chairman** said that the following countries had become sponsors of the draft: Belgium, Benin, Burundi, Cameroon, Croatia, Cyprus, Fiji, France, Germany, Greece, Iceland, Liechtenstein, Luxembourg, Madagascar, the Netherlands, Saint Lucia, Swaziland, Ukraine and the United Kingdom.

Agenda item 110: Human rights questions (continued)

(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/C.3/53/L.34*)

Draft resolution A/C.3/53/L.34: Situation of human rights in Iraq*

71. **The Chairman** invited the Committee to take a decision on draft resolution A/C.3/53/L.34*, which had no programme budget implications.

72. **Ms. Campestrini** (Austria) said that Chile, Estonia and the Marshall Islands had become sponsors of the draft.

73. **Mr. Nagi** (Egypt), explaining his delegation's position before the vote, said that his Government, which had pledged to respect human rights and fundamental freedoms, emphasized the need to refrain from politicizing human rights questions and using them as a means of pressure on certain States or as an excuse for intervening in their internal affairs to avoid applying a double standard to the consideration of human rights questions and to take into account the diversity of cultures. His Government fully supported the sovereign right of each State to adopt such legislative provisions as it deemed appropriate in accordance with its culture and civilization. For all those reasons, his delegation would abstain during the vote on the draft resolution.

74. **Ms. Ibrahim** (Sudan) said that she completely rejected the selectivity which presided over the consideration of

human rights questions, as well as their politicization. No State was totally exempt from violations in that area; the Sudan recalled in that regard that some organizations active in the field of human rights, whose information certain States relied upon in accusing others of infringing the fundamental rights of their citizens, condemned in their own reports those States which set themselves up as critics. Such a selective approach, moreover, was in itself a violation of human rights. Consequently, without prejudging the content of the text, her Government would vote against the draft resolution, and would, on the basis of that principle, vote against all resolutions of the same type.

75. **Ms. Al-Hamami** (Yemen) said that her delegation would not participate in the vote on the draft resolution and would take the same position with regard to other resolutions concerning human rights in other States, with the exception of those to be adopted by consensus. Her delegation would explain its reasons in detail before the General Assembly.

76. **Mr. Al-Humaimidi** (Iraq) said that from the standpoint of both content and form, the draft resolution was a carbon copy of previous resolutions adopted by the Commission on Human Rights and the Third Committee. Such resolutions, which had no relationship to human rights, were motivated by political considerations following the events in Kuwait and the armed aggression against Iraq in 1991. In its statement of 4 November 1997, his delegation had already replied to the Special Rapporteur's allegations.

77. With regard to the second preambular paragraph of the draft resolution, his Government was fully aware of its obligations under the international human rights instruments, and complied with them, because it believed that the protection of human rights was first and foremost a national obligation. With regard to the fifth preambular paragraph relating to various Security Council resolutions, his Government wished to make it clear that it was cooperating with international humanitarian organizations, such as the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees, whose activities covered all regions of the country (Council resolution 688 (1991)). Concerning the provisions of Council resolution 686 (1991) concerning missing Kuwaiti nationals, his Government was cooperating fully with the International Committee of the Red Cross in accordance with the relevant international norms and rules. With regard to Council resolution 687 (1991), his Government had complied with all of its obligations and expected that the Security Council would in turn discharge its obligations towards Iraq by lifting the embargo against it. As to the decisions relating to the "oil for food and medicine" programme, his Government was taking care to implement

them within the framework of the Memorandum of Understanding.

78. With regard to the operative paragraphs of the draft resolution, particularly paragraphs 2 and 13, his Government sought to protect and ensure respect for the rights of all Iraqis, irrespective of their origin, gender or religion, in accordance with the provisions of the Constitution dealing with the protection of minorities, particularly article 19. In that connection, delegations could consult document E/CN.4/Sub.2/1994/54, which his delegation had submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities. With regard to paragraph 3, his delegation believed that human rights mechanisms should not be limited to the mere presence of special rapporteurs or human rights monitors and wished to note that, despite the difficult situation confronting the country since the 1991 aggression, threats of aggression and the persistence of the economic embargo, Iraq continued to submit its periodic reports to the Human Rights Committee and to respond to all requests on that subject from the various working groups and rapporteurs. However, it was opposed to the presence in its territory of human rights monitors, which it considered, as did other countries, to constitute interference in its internal affairs and an infringement of its sovereignty. With regard to the alleged suppression of freedom of thought, expression and information mentioned in paragraph 5, his Government actually promoted the development of culture in all its forms by encouraging the work of scientific and cultural institutions, although it prohibited the publication of anything that might undermine its relations with other countries or that might be contrary to the moral and religious values of society. With regard to paragraph 6, Iraq sought to ensure respect for the principle of equity, and its legislation guaranteed the rights of persons sentenced to death, particularly through appeals procedures in the Court of Cassation. Moreover, articles 232 and 233 of the Penal Code stipulated severe penalties for those who inflicted torture during pre-trial detention. Independence of the judiciary was guaranteed by the Constitution; occasional violations which were not characteristic of Iraq, were prosecuted. With regard to missing Kuwaitis, he wished to note that Iraq cooperated with the International Committee of the Red Cross and participated in the work of the Tripartite Commission. The Iraqi Government continued to make every effort to solve that humanitarian problem, contrary to the assertions contained in the preambular and operative paragraphs of the draft resolution. Moreover, the drafting of paragraph 17 implied that the distribution of supplies and medicines was not equitable. That statement was contrary to the truth and wholly unacceptable, since all

United Nations and other agencies had observed that the distribution was equitable and had said as much in their reports. Moreover, the contents of that paragraph contradicted the contents of paragraph 16, which mentioned the Secretary-General's report of 1 September 1998; that report stressed that Iraq had always cooperated in the implementation of the oil-for-food programme and the Memorandum of Understanding.

79. The draft resolution was subjective in that it deliberately overlooked many measures which Iraq had taken to strengthen democracy and human rights, particularly by organizing elections to the National Assembly and the popular assemblies and by inviting all Iraqi parties, irrespective of their political affiliation, to participate in the national dialogue and the strengthening of democracy. The draft resolution, which was political in nature, was a pretext for undermining Iraq and its leaders. His delegation hoped that other delegations would be able to put things in perspective and vote against that text. His delegation requested that a recorded vote should be taken on the draft resolution.

80. **Mr. Sepelev** (Russian Federation) said that Third Committee resolutions should give a thorough assessment of the human rights situation in a particular country, objectively identify weaknesses and rely on the norms of international law in seeking to remedy them. However, those criteria were not fully respected in the draft resolution. His delegation therefore requested a recorded vote on paragraphs 4, 13, 15 and 17 and would abstain in the voting.

81. **Mr. Rabuka** (Fiji) said he understood the reasons underlying the submission of the draft resolution but felt that it called basic principles into question, including the right to development, the sovereignty of States and non-interference in the internal affairs of States. His delegation would therefore abstain in the voting.

82. *A recorded vote was taken on paragraphs 4, 13, 15 and 17 of draft resolution A/C.3/53/L.34.*

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands,

Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against:

Libyan Arab Jamahiriya.

Abstaining:

Algeria, Angola, Bangladesh, Belarus, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Fiji, Ghana, Guinea, India, Indonesia, Jordan, Lao People's Democratic Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Philippines, Russian Federation, Rwanda, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, Viet Nam, Zimbabwe.

83. *Paragraphs 4, 13, 15 and 17 of draft resolution A/C.3/53/L.34 were adopted by 88 votes to 1, with 55 abstentions.*

84. *A recorded vote was taken on draft resolution A/C.3/53/L.34 as a whole.*

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal,

Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against:

Libyan Arab Jamahiriya, Sudan.

Abstaining:

Algeria, Angola, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Fiji, Ghana, Guinea, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Madagascar, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saint Lucia, Sierra Leone, Singapore, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zimbabwe.

85. *Draft resolution A/C.3/53/L.34 as a whole was adopted by 92 votes to 2, with 56 abstentions.*

86. **Mr. Al-Hariri** (Syrian Arab Republic), speaking in explanation of vote, said that his delegation had abstained because paragraph 13 constituted an attempt to divide Iraq. His delegation was absolutely opposed to anything that might compromise the country's territorial integrity. Moreover, the draft resolution made no mention of Turkey's occupation of a large part of Iraqi territory or the military operations under way in the region. Lastly, paragraph 3, which called upon Iraq to allow the stationing of human rights monitors throughout the country, constituted interference in the affairs of a Member State and was thus contrary to the Charter of the United Nations.

87. **Ms. Al-Awadhi** (Kuwait) said that her delegation was a sponsor of the draft resolution and stressed that the Special Rapporteur of the Commission on Human Rights had painted a dismal picture of the situation of human rights in Iraq. It would have been preferable if the wording of paragraph 14 had more clearly conveyed Iraq's failure to cooperate with the Tripartite Commission and the resolution had called on the Government to cooperate fully in order to establish the whereabouts of Kuwaiti prisoners and other remaining

missing persons. She hoped that the Special Rapporteur, in the report on the situation of human rights in Iraq he was to submit to the General Assembly at its fifty-fourth session, would be able to announce that progress had been achieved in that regard.

88. **Mr. Arda** (Turkey), speaking in exercise of the right of reply with regard to the explanation of vote offered by the representative of the Syrian Arab Republic, said that Turkey had not invaded and did not occupy any portion of Iraqi territory. Iraq's territorial integrity was indeed of vital importance to Turkey. If Iraq wished to gain control over all its territory, it had only to implement all the relevant Security Council resolutions. His delegation could not and would not tolerate the use of Iraqi border areas adjacent to Turkey as terrorist bases for launching attacks against Turkey.

Organization of work

89. **The Chairman** noted that the deadline set by the Committee for the submission of draft resolutions had not been respected the previous week and that there had been no prior consultation on the need to postpone that deadline; he therefore urged all delegations to ensure that the broadest consultations possible were held on texts that were submitted late so that all delegations could participate in their final adoption by consensus.

The meeting rose at 5.45 p.m.